

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : Cox, et al EXAMINER : Unknown
 SERIAL NO. : 09/936,680 ART UNIT : Unknown
 FILED : June 7, 2001 PAPER NO :
 FOR : A NOVEL FAMILY OF BETA SUB-UNIT PROTEINS FROM A
 VOLTAGE-GATED SODIUM CHANNEL, NUCLEIC ACIDS ENCODING
 THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF

AMENDMENT AND RESPONSE

Commissioner for Patents
 United States Patent and Trademark Office
 Box PCT
 Washington, D.C. 20231

Dear Sir:

In response to the Notification of Defective Response under 35 U.S.C. § 371, mailed April 4, 2002, Applicants provide the following response.

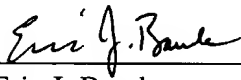
Applicants state that the contents of the previously filed paper sequence listing and the computer readable form are identical and include no new matter; the sequence listing information recorded in computer readable form is identical to the written sequence listing.

Please enter the attached written sequence listing (paper copy) and computer readable form (CRF) of the "Sequence Listing" into the file of the above-referenced application.

No new matter is added by way of this submission which is being made as a bona fide attempt to fulfill the Sequence Listing requirements in accordance with 37 C.F.R. 1.821(e) as identified in the Notification of Defective Response mailed April 16, 2002.

Dated: 6-10-02

Respectfully submitted,



Eric J. Baude

Registration No. 47,413


Warner-Lambert Company

2800 Plymouth Road

Ann Arbor, MI 48105

Telephone: (734) 622-2095

Facsimile: (734) 622-1553

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s):			Docket No. 5977-01-EJB
Serial No. 09/936,680	Filing Date 7-Jun-2001	Examiner Unknown	Group Art Unknown
Invention: A NOVEL FAMILY OF BETA SUB-UNIT PROTEINS FROM A VOLTAGE-GATED SODIUM CHANNEL, NUCLEIC ACIDS ENCODING THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF			
I hereby certify that this <u>Amendment and Response</u> <div style="text-align: right;"><small>(Identify type of correspondence)</small></div> Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on <u>June 10, 2002</u> <div style="text-align: center;"><small>(Date)</small></div> <div style="text-align: right; margin-top: 20px;"><u>Nancy Dernbach</u> <small>(Typed or Printed Name of Person Mailing Correspondence)</small>  <small>(Signature of Person Mailing Correspondence)</small> <u>EF220793446US</u> <small>("Express Mail" Mailing Label Number)</small></div>			
Note: Each paper must have its own certificate of mailing			



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/936,680	FIRST NAMED APPLICANT Peter Cox	ATTY. DOCKET NO. 5977-01-SD ESB
---	------------------------------------	------------------------------------

RECEIVED

APR 24 2002

AA PATENT DEPT.

 Warner Lambert Company
 2800 Plymouth Road
 Ann Arbor, MI 48105

INTERNATIONAL APPLICATION NO. PCT/EP00/01783	
I.A. FILING DATE 02/27/2000	PRIORITY DATE 04/15/1999

 CONFIRMATION NO. 8893
 371 FORMALITIES LETTER


OC000000007868237

Date Mailed: 04/16/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

Docketed	
DATE	5/16/2002
FOR	Missing Parts - ESB
BY: TRM	CHECKED BY: _____

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- Computer Readable Diskette has not been received.
- APPLICANT MUST PROVIDE:
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an

amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,680	PCT/EP00/01783	5977-01-SD

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
5977-01-EJB

In Re Application Of: Cox, et al

Serial No.
09/936,680

Filing Date
June 7, 2001

Examiner
Unknown

Group Art Unit
Unknown

Title: A NOVEL FAMILY OF BETA SUB-UNIT PROTEINS FROM A VOLTAGE-GATED SODIUM CHANNEL,
 NUCLEIC ACIDS ENCODING THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Fee Transmittal
Petition for Extension of Time
Amendment and Response to Notification of Defective Response
Sequence Listing (paper and disc)
Copy of Notification of Defective Response mailed 04/16/2002; Certificate of Express Mail; Return Postcard

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 23-0455 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Eric J. Baude
 Signature

Dated: June 10, 2002

Eric J. Baude
 Registration No. 47,413
 Warner-Lambert Company
 Patent Department
 2800 Plymouth Road
 Ann Arbor, MI 48105
 Tel. (734) 622-2095
 Fax (734) 622-1553

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 110.00

Complete if Known

Application Number	09/936,680
Filing Date	June 7, 2001
First Named Inventor	Cox, et al
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Docket No.	5977-01-EJB

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 23-0455
Deposit Account Name: Warner-Lambert Company

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20** = 0	0	18.00	0.00
Independent Claims - 3** = 0	0	80.00	0.00
Multiple Dependent		0.00	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 80	202 40	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim, if not paid	
109 80	209 40	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	110.00
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110.00

SUBMITTED BY

Name (Print/Type)	Eric J. Baude	Registration No. (Attorney/Agent)	47,413	Complete (if applicable)
Signature	<i>Eric J. Baude</i>	Telephone	(734) 622-2095	Date
				06/10/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.